

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LIONRA TECHNOLOGIES LIMITED

v.

FORTINET, INC.

CASE NO. 2:22-cv-00322-JRG-RSP
(Lead Case)

LIONRA TECHNOLOGIES LIMITED

v.

CISCO SYSTEMS, INC.

CASE NO. 2:22-cv-00305-JRG-RSP
(Member Case)

LIONRA TECHNOLOGIES LIMITED

v.

HEWLETT PACKARD ENTERPRISE
COMPANY, et al.

CASE NO. 2:22-cv-00319-JRG-RSP
(Member Case)

LIONRA TECHNOLOGIES LIMITED

v.

PALO ALTO NETWORKS, INC.

CASE NO. 2:22-cv-00334-JRG-RSP
(Member Case)

**DECLARATION OF CHRIS SMITH IN SUPPORT OF DEFENDANTS' MOTION TO
TRANSFER PURSUANT TO 28 U.S.C. § 1404**

[REDACTED]

[REDACTED]

I, Chris Smith, hereby declare as follows:

1. I am an employee of Aruba Networks, LLC (“Aruba”). I have been an employee of Aruba or Aruba Networks, Inc. (the predecessor Aruba entity) since July 8, 2013. The facts set forth herein are true and correct to the best of my knowledge and are based on my own personal knowledge and/or I have been informed of the information. If called upon to testify as a witness, I could and would competently testify thereto.

2. I submit this declaration in support of a motion to transfer pursuant to 28 U.S.C. § 1404. I understand that the Plaintiff Lionra Technologies Limited (“Plaintiff”) filed this lawsuit on August 19, 2022. I also understand that the infringement allegations in this lawsuit concern: (1) the Aruba CX 6200, 6300, 6300M, 6300F, 6400, 8000 (e.g., 83xx and 8400), 8320, 8325, 8360, and 10000 Switch Series, and the Aruba AOS-CX 10.00 and 10.08 operating systems that run on those switches, and (2) the Aruba 5400R and 2930F Switch Series. I understand that these are referred to as the “Accused Products.”¹

3. My title at Aruba is Director of South Central Global Major Accounts. As part of my duties in that position, I lead the sales team responsible for Global and Major accounts in the South Central region, which includes Texas and Arkansas, as well as customers globally.

4. Aruba is a wholly owned subsidiary of Hewlett Packard Enterprise Company (“HPE”). Aruba Networks, Inc. was founded in 2002 and designed and developed various products, generally focused on wireless networking, until it was acquired by Hewlett Packard Company in 2015. After Hewlett Packard Company was split into Hewlett Packard Enterprise and Hewlett Packard, Inc. later in 2015, many, but not all, of those Aruba Networks, Inc. employees were

¹ There is no product called CX 6300 or CX 8000.

[REDACTED]

[REDACTED]

moved to HPE and became part of the Aruba Business Unit (now called “Intelligent Edge”) within HPE. Other employees, such as myself, remained employed by Aruba Networks, Inc., which later changed its name to Aruba Networks, LLC. Aruba Networks, LLC does not design or manufacture products. Employees of Aruba sell and support sales of HPE products, many of which are marketed and sold using the Aruba brand.

5. I have reviewed a map of the Eastern District of Texas, <http://www.txed.uscourts.gov/?q=court-locator>. Aruba has no offices in the Eastern District of Texas.

6. I understand that the Plaintiff in this lawsuit has alleged that Aruba has an office located at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024. That address is the address of an HPE office. There are no Aruba employees who maintain a desk or otherwise have a dedicated space at HPE’s Plano office.

7. None of the Aruba employees maintains any products or any information about products at HPE’s Plano office. Aruba employees do not use HPE’s Plano office to ship or receive products that they sell. Aruba does not store any product inventory within the Eastern District of Texas.

8. I have been provided a spreadsheet of Aruba’s employees in North America as of August 19, 2022, which is the date I understand this lawsuit was filed. That spreadsheet is attached as Exhibit 1. This data was provided to me by Kyle Frankeny, HPE Corporate Counsel responsible for governance of certain subsidiaries and intercompany transactions. That Exhibit shows that

[REDACTED]

[REDACTED]

Aruba employs 266² employees in North America. Of the 266 employees, sixty are associated with a physical office: forty-three with an office in San Jose, California; six with an office in Roseville, California; one with an office in San Francisco, California; eight with an office in Lake Oswego, Oregon; one with an office in Richmond, Virginia; and one with an office in Durham, North Carolina. The other 206 employees are teleworkers: twenty-three employees telework from Texas, and forty-two employees telework from California. As shown below, based on the zip codes associated with each of the Texas employees, which were provided to me, of the twenty-three employees who telework from Texas, seven employees were located within the Eastern District of Texas as of August 19, 2022.³ All of the Aruba sales team are teleworkers and work primarily out of their homes.

[REDACTED]	[REDACTED]	Name
		Rick Hawkins
		Glenn Ferreira
		Ektor DLT
		Mark Copeland
		Stephen Carlock
		John Bubenik
		Alex Kuo
		Kirby Ross
		Justin Hao
		Robert Cochran
		David Balding
		Jack Ridgway
		Chris Smith
		Chris Scott

² While the exhibit shows 267 people, there is a duplicate entry for one of the Roseville-based employees.

³ In October, I moved from Collin County to Dallas County, which I understand takes me out of the Eastern District of Texas.

	Name	
	Michael Timperman	
	Marco Fernandez	
	Mark Enright	
	Dale Oldenkamp	
	Jimmy Bagwell	
	Brandt Biggerstaff	
	Brian Lemery	
	Ricardo Sifre	
	Kyle Levy	

9. The vast majority of the Aruba employees are involved directly or indirectly in the sales of products managed by HPE. Others are involved in product life cycle management, supply chain management, and procurement for the HPE products. There is no centralized sales group for Aruba that handles, for example, a specific type of product; rather, the sales employees sell across the entire Aruba branded portfolio of HPE products and work with customers all over the United States and worldwide.

10. Including myself, all seven of the Aruba employees located within the Eastern District of Texas are involved directly in the sales of HPE products, using both the HPE and Aruba brands:

- Stephen Carlock – Sales Director II, Networking;
- Alex Kuo – Presales Consultant;
- Jimmy Bagwell – Presales Consultant;
- Brandt Biggerstaff – Commercial Account Manager IV;
- Brian Lemery – Commercial Account Manager; and

- Rick Hawkins – Presales Data Center Networking Systems Engineering Manager.⁴

These employees are not involved in the design, development, or manufacturing for the Accused Products, nor are they part of the product management teams for the Accused Products. These employees support customers that are located both within and outside of the Eastern District of Texas.

11. The other sixteen employees who telework from Texas are not involved in the design, development, or manufacturing for the Accused Products and are also not part of the product management teams for the Accused Products.

12. Roseville has always been the center for the networking group, and more particularly, the development and management of the networking products, including the Accused Products. For example, Aruba sales personnel travel to HPE's Roseville office to demonstrate the products for customers and for training. I frequently work with the Product Line Managers for the networking products—the vast majority of those Product Line Managers are located in Roseville.

13. The six Aruba employees associated with the Roseville office are:

- Askia Rousseve – Business Operations;
- Dionne Scaglione – Business Operations;
- Pedro Jaime – Presales Consultant;
- Richard Elsea – Product Management;
- Bernd Von Wendorff – Strategic Procurement; and
- Shadi Sakkab – Strategic Procurement.

⁴ Rick and his team support data center customers.

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December ____2____, 2022.

/s/ Chris Smith
Chris Smith